THE HON'BLE SRI JUSTICE P.S. NARAYANA

Writ Petition No.20184 of 2006

Date: 23rd October, 2006

Between :-

A. Radha Krishna .. Petitioner

And

The Commissioner, Panchayat Raj and Rural Employment, Government of Andhra Pradesh, Urdu Hall Lane, Himayat Nagar, Hyderabad and 9 others .. Respondents

THE HON'BLE SRI JUSTICE P.S. NARAYANA

Writ Petition No.20184 of 2006

ORDER:-

1. The Writ Petition is filed for a Writ, order or direction more in the nature of Writ of Mandamus declaring the action of the respondents in not paying the legal fee due to the petitioner in the disposed of cases as per the list enclosed to the letters dated 10-4-2005 and also 28-10-2005 is as illegal, arbitrary and consequently direct the respondents to pay the legal fees due and payable to the petitioner together with interest and cost and to pass such other suitable orders.

2. It is stated that the petitioner was appointed as Standing Counsel for Zilla Parishads and Mandal Parishads of Telangana area for a period of 3 years in the Andhra Pradesh Administrative Tribunal vide Procs.No.8194/CPR/L1/03 dated 27-5-2003 of the Commissioner of Panchayat Raj and Rural Employment, Urdu Galli, Himayatnagar, Hyderabad and pursuant to the said orders, the petitioner took charge on 2-6-2003 and he was continued till 18-4-2005. It is also stated that in view of the change of Government new Standing Counsel has been appointed and the services of the petitioner were dispensed with in G.O.Rt.No.494, Law (A) Department dated 24-3-2005 and also the petitioner was informed that

the Government directed the 1st respondent to pay one month honorarium in lieu of one moth's notice. It is also stated that that during the petitioner's tenure, he had attended in old cases transferred to him from former Standing Counsel of Zilla Parishads & Mandal Parishads and some of the cases were disposed of. It is further stated that the 1st respondent issued Procs.No.8194/L1/03 dated 16-12-2003 fixing Rs.2750/- per case towards fees and expenses in all pending cases and new cases with effect from the date of his appointment and accordingly, in some cases fees was paid but inspite of disposal of cases and intimation to the respondents duly enclosing a copy of Judgment along with covering letter by taking acknowledgment from the departmental staff, the petitioner was not paid the fees. It is also further stated that after handing over the pending cases to the new Standing Counsel, the petitioner had prepared a list of cases disposed of (District wise) wherein fee is due and payable to the petitioner and sent to respondents along with covering letter by Registered Post with Acknowledgement Due and requested to arrange payment and a copy of which is also filed. It is also further stated that on 12-6-2005 and 28-10-2005 the petitioner addressed letters to all the Chief Executive Officers, Zilla

Parishads in Telangana Area by Registered Post requesting them to pay the fees in the list of cases enclosed to the said letters. Is also stated that the petitioner addressed a letter to the 1st respondent to direct all the C.E.Os., Zilla Parishads to pay legal charges and accordingly the 1st respondent issued a FAX Message No.14400/CPR&RE/12/05, dated 28-3-2006 for necessary action and the petitioner also sent reminders to the C.E.Os., in this regard. It is also stated that the Chief Executive Officers, Zilla Parishads i.e., respondents have not paid the fees as claimed by the petitioner except CEO, Ranga Reddy District and Adilabad District. It is also further stated that in similar case filed before this Court in W.P.No.3024/2006, this Court disposed of it with a direction that "the respondents to settle the fee payable to the petitioner for the services he has rendered by appearing on behalf of the respondents, in terms of his appointment, within a period of two months from the date of receipt of this order." It is also further stated that the petitioner has no other remedy except to approach this Court invoking the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India. In such circumstances, the petitioner filed the present Writ Petition.

3. It is needless to say that when the services were rendered by the petitioner, the respondents are bound to pay the bills as per the agreed terms. There cannot be any valid reason to cause delay in settling such fee payable to the petitioner. In view of the same, this Court is of the considered opinion that the Writ Petition be disposed of directing the respondents to settle the fee payable to the Writ Petitioner for the services the petitioner had rendered on behalf of the respondents, in terms of his appointment, within a period of two months from the date of receipt of this order.

4. The Writ Petition is accordingly disposed of. no order as to costs.

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Justice P.S.Narayana

23rd October, 2006

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